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Department of Defense

DIRECTIVE

MAY 10, 1985

NUMBER 5105.51

ASD(C)

SUBJECT : Defense Technology Security Administration

- References:
- (a) Title 10, United States Code
 - (b) DoD Directive 2040.2, "International Transfers of Technology, Goods, Services, and Munitions, " January 17, 1984
 - (c) DoD Directive 5000.19, "'Policies for the Management and Control of Information Requirements ," March 12, 1976
 - (d) Under Secretary of Defense for Research and Engineering, "DoD Militarily Critical Technologies List (U)" (Secret Noform) , October 1, 1982
 - (e) DoD Directive 5400.7, "DoD Freedom of Information Act Program, " March 24, 1980

A. PURPOSE

Under the authority vested in the Secretary of Defense by reference (a) , this Directive establishes the Defense Technology Security Administration (hereafter referred to as "DTSA") and defines its mission, functions, authorities, and relationships.

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Organization of the Joint Chiefs of Staff (OJCS) , the Military Departments, the Inspector General (IG) of the Department of Defense, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

C. DEFINITIONS

The terms used in this Directive are defined in enclosure 1.

D. MISSION

1. The DTSA shall:

a. Administer the DoD Technology Security Program to review the international transfer of defense-related technology, goods, services, and munitions consistent with U.S. foreign policy and national security objectives.

b. Ensure the implementation of DoD technology security policy relative to the international transfer of defense-related technology, goods, services, and munitions.

c. Assure expeditious processing of export license applications consistent with national security objectives, making the fullest use of automation and other techniques.

d. Support actively, intelligence and enforcement activities of USG Departments and Agencies to restrain the flow of defense-related technology, goods, services, and munitions to potential adversaries.

e. Provide support to the Under Secretary of Defense for Policy (USDP) and the Under Secretary of Defense for Research and Engineering (USDR&E) in carrying out their responsibilities assigned under DoD Directive 2040.2 (reference (b)).

E. ORGANIZATION AND MANAGEMENT

1. DTSA is established as a DoD field activity under the direction, authority, and control of the Under Secretary of Defense for Policy (USDP).

2. DTSA shall consist of a Director, a Deputy Director, and such subordinate organizational elements as are established by the Director within resources assigned by the Secretary of Defense.

3. The Deputy Under Secretary of Defense for Trade Security Policy in the Office of the USDP shall serve as the Director, with responsibility for overall supervision of the DTSA.

4. The Deputy Under Secretary of Defense for International Programs and Technology in the Office of the USDR&E shall serve as the Deputy Director, with further responsibility to serve as principal DTSA official on technical matters.

F. RESPONSIBILITIES AND FUNCTIONS

1. The Under Secretary of Defense for Policy shall:

a. Develop, coordinate, and issue policies relating to technology security.

b. Provide policy direction and overall management for the DoD Technology Security Program in accordance with reference (b).

c. Represent the Department of Defense in interagency, national, and international fora concerning policy for technology security and enforcement matters.

2. The Under Secretary of Defense for Research and Engineering shall:

a. Provide advice and support for the technical aspects of the DoD Technology Security Program in accordance with reference (b).

b. Ensure the technical review of strategic trade, Coordinating Committee of the Consultative Group (COCOM), and munitions export license applications, and establish the DoD technical positions with supporting rationales, regarding the national security implications of the proposed transfer of technology, goods, services, and munitions in accordance with reference (b).

c. Provide technical advisors and consultants as needed to support the USDP in the development of DoD technology security policy.

d. Develop and administer programs to identify and define lists of militarily critical technologies that should be controlled for export, including necessary guidelines.

e. Provide technical support of DoD views in interagency, national, and international forums of technology, goods, services, and munitions transfer matters.

3. The Secretaries of the Military Departments shall:

a. Provide technical, intelligence, and operational support of the DoD Technology Security Program in accordance with reference (b).

b. Designate a liaison officer from the service staffs to the DTSA, on a full-time basis, of sufficient rank to facilitate the resolution of matters pertaining to the security of technology, goods, services and munitions.

4. The Assistant Secretary of Defense for International Security Policy shall:

a. Serve as the DoD representative to the Advisory Committee on Export Policy (ACEP) and the Economic Defense Advisory Committee (EDAC).

b. Serve as the DoD representative to the Committee on Foreign Investment in the U.S. (CFIUS).

c. Provide input to the DoD Technology Security Program in accordance with reference (b).

5. The Chairman of the Joint Chiefs of Staff shall:

a. Designate a senior officer from the OJCS to provide operational expertise and military judgment on technology security matters within DoD, interagency, national, and international fora.

b. Provide support to the DoD Technology Security Program in accordance with reference (b).

6. The Director, Defense Intelligence Agency shall:

a. Conduct reviews and provide intelligence support to the Director, DTSA on technology security matters.

b. Provide intelligence expertise on technology security matters for DoD, interagency, national, and international fora.

c. Designate a point of contact to represent DIA on technology security matters.

d. Assist in identifying and assessing critical technology.

e. Provide support to the DoD Technology Security Program in accordance with reference (b).

7. The Heads of DoD Components shall:

a. Assure the prompt processing of export license applications consistent with national security objectives and provide sufficient staff to facilitate the resolution of matters pertaining to technology security.

h. Designate a point of contact in their respective Component for technology security matters.

8. The Director, Defense Technology Security Administration shall:

a. Organize, direct, and manage the DTSA and all assigned resources. Establish subordinate offices necessary to fulfill assigned missions.

b. Periodically review DoD Directive 2040.2 (reference (b)), and other issuances as required, and recommend appropriate changes to the USDP and USDR&E.

c. Supervise, administer, implement and evaluate policies and procedures for the Technology Security Program.

d. Provide support for DoD contacts with foreign governments, international agencies, other federal agencies, interagency groups, industry, and DoD Components concerning technology security matters.

e. Act as the DoD receiving point for all cases concerning technology security including, but not limited to strategic trade, COCOM, and munitions export license applications.

f. Support the development of all DoD positions on COCOM, strategic trade, and munitions license applications.

g. Provide DTSA representation at meetings and deliberations of the International Technology (IT²) Panel and Subpanels.

G. RELATIONSHIPS

1. In the performance of assigned functions, the Director, DTSA shall:

a. Coordinate actions with other DoD Components having collateral or related functions in the field of assigned responsibility.

b. Maintain appropriate liaison with DoD Components and other governmental and nongovernmental agencies for the exchange of information and advice on programs in the field of assigned responsibility.

c. Make use of established facilities and services in the Department of Defense and other governmental agencies to avoid duplication and achieve maximum efficiency and economy.

2. Heads of DoD Components shall coordinate with the Director, DTSA on all matters relating to DTSA functions and responsibilities.

H. AUTHORITY

The Director, DTSA is authorized to:

1. Obtain such information, consistent with the policies and criteria of DoD Directive 5000.19, (reference (c)), advice, and assistance from other DoD Components as necessary to carry out DTSA programs and activities.

2. Communicate with appropriate personnel in the Military Departments and other DoD Components on matters related to DTSA programs and activities.

3. Communicate with other government agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out the functions assigned under this Directive.

I. ADMINISTRATION

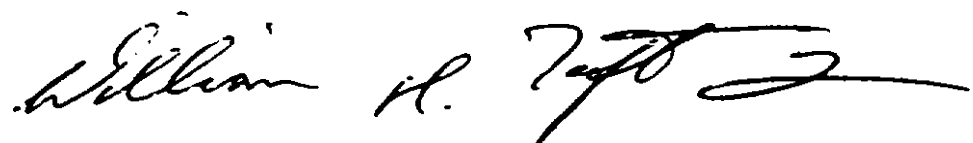
1. DTSA shall be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense considers necessary.

2. The Military Departments shall assign military personnel to DTSA in accordance with approved authorizations and established procedures for assignment to joint duty.

3. Administrative support required for the DTSA will be provided by the Director, Washington Headquarters Services.

J. EFFECTIVE DATE

This Directive is effective immediately.



William H. Taft, IV
Deputy Secretary of Defense

Enclosures - 1

1. Definitions

DEFINITIONS

1. Critical Technology. Technologies that consist of (a) arrays of design and ☐ manufacturing know-how (including technical data); (b) keystone manufacturing, inspection, and test equipment; (c) keystone materials; and (d) goods accompanied by sophisticated operation, application, or maintenance know-how that would make a significant contribution to the military potential of any country or combination of countries and that may prove detrimental to the security of the United States (also referred to as militarily critical technology).
2. Goods. Any articles, materials, supplies, or manufactured products, including inspection and test equipment. The term excludes technical data.
3. Items of Intrinsic Military Utility. End items other than those identified in the "DoD Militarily Critical Technologies List" (reference (d)) whose transfer to potential adversaries shall be controlled for the following reasons:
 - a. The end product in question could significantly enhance the recipient's military or war-making capability either because of its technology content or because of the quantity to be sold; or
 - b. The product could be analyzed to reveal U.S. system characteristics and thereby contribute to the development of countermeasures to equivalent U.S. equipment.
4. Keystone Equipment. Includes manufacturing, inspection, or test equipment and is the required equipment for the effective application of technical information and know-how. Keystone materials have the same significant application.
5. Know-how. Includes both the know-how of design and manufacturing and the know-how and related technical information that is needed to achieve a significant development, production, or use. The term know-how includes services, processes, procedures, specifications, design data and criteria, and testing techniques.
6. Militarily Critical Technology. See critical technology.
7. Munitions. Includes:
 - a. Arms, ammunition, and other implements of war.
 - b. Any property, installation, commodity, material equipment, supply, or goods used to make military items.
 - c. Any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing repair, servicing, storage, construction, transportation, operation, or use of any article listed above.
 - d. Technical data related to State Department ☐ munitions list items.

8. Services. Includes any service, test inspection, repair, training, publication, technical or other assistance, or defense information used to furnish military assistance, including military education and training activities.

9. Strategic Trade Cases. Cases involving technology and goods that are dual-use in nature, that is, capable of being used either for legitimate civilian purposes or capable of being used or diverted to increase a nation's military potential.

10. Technical Data. Classified or unclassified information of any kind that can be used, or adapted for use, in the design, production, manufacture, repair, overhaul, processing, engineering, development, operation, maintenance, or reconstruction of goods or munitions; or any technology that advances the state of the art or establishes a new art in an area of significant military applicability in the United States. The data may be tangible, such as a model, prototype, blueprint, or an operating manual, or may be intangible, such as a technical service or oral or visual interactions.

11. Technology. The technical information and know-how that can be used to design, produce, manufacture, use, or reconstruct goods, including technical data and computer software. The term does not include the goods themselves.

12. Transfer Mechanisms. The means by which technology, goods, services, and munitions are transferred, including but not limited to:

- a. Commercial and government sales.
- b. Scientist, engineer, student, and academic exchanges.
- c. Consulting agreements.
- d. Licensing and other data exchange agreements.
- e. Codevelopment and coproduction agreements.
- f. Commercial proposals and associated business visitors.
- g. Trade fairs, exhibits, and airshows.
- h. Sales to third-party nations.
- i. Multinational corporation transfers.
- j. Foreign technical missions.
- k. International programs (such as fusion, space, and high-energy).
- l. International meetings and symposia on advanced technology.
- m. Patents.
- n. Clandestine or illegal acquisition of military or dual-use technology or equipment.

o. Dissemination of technical reports technical data, whether published or by oral or visual release.

p. Dissemination of technical reports under DoD Directive 5400.7 (reference (e)).

q. Diversion or evasion of control procedures.

r. Smuggling.

s. Dummy corporations.

t. Acquiring an interest in U.S. industry, business, and other organizations.